

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

COMMENTS SOLUTIONS, LLC
and
FIRST LEGACY COMMUNITY
CREDIT UNION

Defendants.

Civil Action No.: 1:19-cv-00077-NLH-KMW

**PLAINTIFF'S NOTICE OF
MOTION TO INTERPLEAD, OR
IN THE ALTERNATIVE, TO
DELIVER FUNDS TO
DEFENDANT FIRST LEGACY
COMMUNITY CREDIT UNION**

PLEASE TAKE NOTICE that on, **May 20, 2019 at 9:00 in the forenoon** or as soon thereafter as counsel may be heard, Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”), by and through its counsel, Fox Rothschild LLP, will move before the Court for an Order (a) permitting Wells Fargo to deposit into the Registry of this Court the Restrained Proceeds (as defined in the Complaint and herein) that are the subject of its Complaint for Interpleader (the “Complaint”) (D.E. #1), and dismiss and discharge Wells Fargo from this action, along with an award of its reasonable attorneys’ fees and costs; or (b) alternatively, and based upon the facts set forth in the Complaint and the default of Defendant Comment Solutions, LLC (“Comment Solutions”) permitting Wells Fargo to deliver the Restrained Proceeds to Defendant First Legacy Community Credit Union (“First Legacy”), and dismiss and discharge

Wells Fargo from this action, along with an award of its reasonable attorneys' fees and costs.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Wells Fargo shall rely upon the accompanying Memorandum of Law in Support of Plaintiff Wells Fargo Bank, N.A.'s Motion to Interplead, or in the Alternative, to Deliver Funds to Defendant First Legacy Community Credit Union, and the Declaration of Adam Busler, Esq., along with the exhibit annexed thereto.

PLEASE TAKE FURTHER NOTICE that in accordance with L. Civ. R. 7.1(b), a proposed form of Order has also been supplied.

PLEASE TAKE FURTHER NOTICE that, pursuant to L. Civ. R. 7.1(b)(4), Wells Fargo hereby requests oral argument if this motion is opposed.

Respectfully Submitted,

FOX ROTHSCHILD LLP
*Attorneys for Plaintiff,
Wells Fargo Bank, N.A.*

By: /s/ Adam Busler
Adam Busler

Dated: April 15, 2019